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OFFICE OF PETITIONS

In re Application of
Gates et al.
Application No. 09/941513
Filed: August 28, 2001
Attorney Docket No. T9864
Title of Invention: OFFSET HOLDING
DEVICE

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: DECISION GRANTING PETITION
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This is a decision on the petition filed May 6, 2003, requesting that the above-identified application be accorded a filing date of August 28, 2001.

On August 28, 2001, applicant deposited the above-identified application. On April 11, 2003, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application," stating that the application had not been accorded a filing date as the application was deposited without drawings and that the filing date would be the date of receipt of the items.

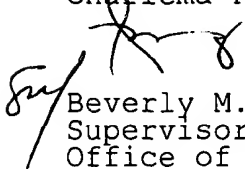
In response, on May 16, 2003, applicant filed the present petition and a copy of applicants' postcard receipt acknowledging receipt of two sheets of drawings on August 28, 2001. Additionally, applicant submitted a copy of two sheets of drawings, containing Figures 1-6.

Upon review of the record, Figures 1-6 deposited on August 21, 2001, have not been located among the application papers. However, the evidence is convincing that the application papers deposited on August 21, 2001, included two drawing sheets (Figures 1-6), which were subsequently misplaced in the United States Patent and Trademark Office. Therefore, the application, including two drawing sheets (Figures 1-6) was complete on filing and will be granted a filing date of August 28, 2001.

Accordingly, the petition is granted. Deposit account no. 20-0100 will be credited with the \$130.00 petition fee.

The application file is being forwarded to the Office of Initial Patent Examination for correction of the filing date to August 28, 2001, and the mailing of a corrected filing receipt. The Office records should indicate that two sheets of drawings (Figure 1-6) were submitted on filing.

Any inquiries related to this decision should be directed to the
Charlema R. Grant at (703) 306-0251.


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions